

REMARKS

In the outstanding Office Action, the Examiner required an election of species between ten species. For purposes of election, Applicant elects Species IX as shown in Figure 19 with traverse.

Applicant traverses this election in that Applicant disagrees with the Examiner's denomination of the various species. Furthermore, Applicant submits that even if there are several species, there is no undue burden on the Examiner to consider them together. Further, since generic claims are included, all of the species should be considered.

More particularly, Applicant disagrees with the Examiner's denomination of the various species. The Examiner is first directed to the brief description of the drawings found on pages 3 and 4 of the specification. The descriptions of Figure 18 and 19 make it clear that these two figures are nothing more than the embodiments shown in Figures 13 and 14, respectively with the belt installed in each case. Thus, these are not different species or embodiments, but rather just different views. That is, the previous view in each case has the belt removed for a better view of the mechanism and the later figure is with the belt installed. Accordingly, Applicant submits that Species V represented by Figure 13 and Species VIII represented by Figure 18 are actually a single species. Likewise, Species VI represented by Figure 14 and Species

IX represented by Figure 19 are the same species. Likewise, the description of Figure 20 refers to the conveyor used to remove material. This refers to Figure 16. Figure 20 only adds support legs at one end. Applicant submits that these two species should also be combined.

Furthermore, Applicant submits that the embodiment shown in Figures 13 and 18 are so similar to the embodiment shown in Figures 14 and 19 that they should be combined as well. In both arrangement, the Lo Lo structure 42 is provided with a sliding head drive 48 mounted thereon. In both cases, the Lo Lo structure can be placed below an extendible car 10. Figure 14 does include the stacker 51 along with jacks 52 which are not specifically shown in Figure 13. However, it should be noticed that the paragraph that first describes these figures, namely paragraph [0054] starts out as, "Figures 13 and 14 show another arrangement of the Lo Lo structure which may be used with the expanding cars or with a fixed conveyor belt". Thus, it is clear that the two figures are used to describe a single arrangement. Accordingly, Applicant submits that the arrangement of Figures 13 and 14 should be considered a single species along with Figures 18 and 19 which show the same arrangements with the belt installed.

Furthermore, Applicant submits that it would not be any further burden to include the embodiment of Figure 16 and 20 since the mechanism is the same, but with the parts reversed. This is

mentioned in paragraph [0063]. Thus, the Lo Lo structure is placed at the downstream end of the conveyor to spread the material which is carried out rather than at an upstream end for carrying the material to the main conveyor. For this reason, Applicant submits that the arrangement of Figures 13, 14, 16 and 18-20 should be considered as a single species for purposes of examination.

Concerning the claims, it should be noted that claims 1-13, while specifically related to the first eight figures are in fact generic to all of the species since the expanding car is utilized in all the species. Claims 14-17 relate to Figures 9 and 10 which are the wheel assembly. Claims 18-20 relate to Figures 11 and 12 where the Lo Lo structure carries dollies. Claims 21-31 relate to the embodiments in Figures 13, 14, 18 and 19. Claims 32-34 specifically relate to the embodiment shown in Figure 16 and 20. However, claims 32-34 would also relate to the embodiment of Figures 13 and 14 if it is run in reverse.

Applicant has elected the embodiment indicated by the Examiner to be Species IX and Figure 19. Applicant submits that the following claims read on this species: 1-13 and 21-31. In addition, claims 32-34 could also be considered to be related to this species. Of these claims, claims 1-13 are generic to the species of Figures 1-8 and 11-20. Claims 21-31 relate to Figures 13, 14, 18 and 19.

Applicant further makes the following comments as an aid for the Examiner to follow the various species. The expandable car arrangement is shown in the first embodiment in Figures 1-5. A slight modification of this arrangement is shown in the second embodiment of the car in Figures 6-8. The arrangement of the wheel used on the car is shown in Figures 9 and 10. This arrangement can be used with the car in any of the embodiments. Figures 11 and 12 relate to the same embodiment. The extendible car described in the first eight figures is seen in Figure 12 on the right hand side. It is also seen in Figure 11C as extending over the lower framework. The same extendible car is shown in Figures 14, 15, 16, 17, 19 and 20 where it is combined with the Lo Lo structure. Thus, since claims 1-13 relate to the extendible car itself and since this extendible car is used in the other embodiments, these claims are generic to many species. The Lo Lo structure is shown in several of the species including Figures 13, 14, 15, 16 and 18-20. The combination of the Lo Lo structure and the expanding car is the basis of the devices shown in Figures 13, 14, 15, 16 and 18-20.

In view of the above, Applicant requests that the Examiner either change his denomination of the various species or to remove the requirement for the election of species completely. At the very least, Applicant requests that the Examiner combine indicated Species V, VI, VII and IX shown in Figures 13, 14, 18 and 19.

In view of the above, Applicant submits that the application is now in condition for full examination. Early and favorable action is respectfully requested.

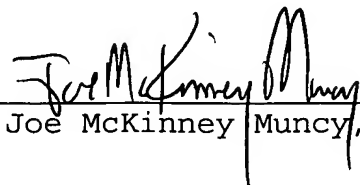
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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